

*RAKOFF, J*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

_____	X
IN RE MERRILL LYNCH & CO., INC.	:
SECURITIES, DERIVATIVE AND ERISA	:
LITIGATION	:
_____	:
	: Master File No:
	: 07cv9633 (JSR)
_____	:
This Document Relates To: Derivative Action,	: ECF Case
07cv9696 (JSR) (DFE)	:
_____	:
	X

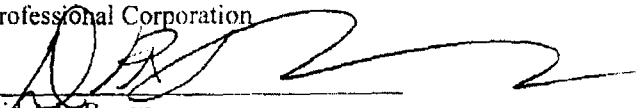
**STIPULATION AND ~~[PROPOSED]~~ ORDER EXTENDING  
THE TIME FOR DEFENDANTS TO MOVE OR ANSWER**

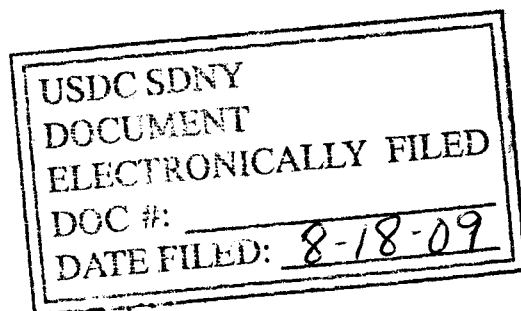
IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned  
counsel, that the time for defendants to move or answer with respect to the Verified Third  
Amended Shareholder Derivative and Class Action Complaint is hereby extended until  
September 21, 2009.

Dated: August 6, 2009

Respectfully submitted,

BROWER PIVEN  
A Professional Corporation

By:   
David A.P. Brower  
488 Madison Avenue  
Eighth Floor  
New York, New York 10022  
Telephone: (212) 501-9000  
Fax: (212) 501-0300



*Derivative Plaintiffs' Executive Committee and  
Liaison Counsel and Counsel for Derivative  
Plaintiff Miriam Loveman*

WACHTELL, LIPTON, ROSEN & KATZ

By: 

Eric M. Roth

Ian Boczeko

51 West 52nd Street

New York, NY 10019

Telephone: (212) 403-1000

Fax: (212) 403-2000

*Counsel for Bank of America Corporation*

SKADDEN, ARPS, SLATE, MEAGHER & FLOM  
LLP

By: 

Jay B. Kasner

Scott D. Musoff

Four Times Square

New York, New York 10036

Telephone: (212) 735-3000

Fax: (212) 735-2000

SHEARMAN & STERLING LLP

By: 

Stuart Jay Baskin

Adam S. Hakki

599 Lexington Avenue


New York, New York 10022

Telephone: (212) 848-4000

Fax: (212) 848-4974


*Counsel for Merrill Lynch & Co., Inc.*

CADWALADER, WICKERSHAM & TAFT LLP

By:  /KRW  
Denis J. Block  
Gregory A. Markel  
Jason M. Halper  
One World Financial Center  
New York, New York 10281  
Telephone: (212) 504-6000  
Fax: (212) 504-6666

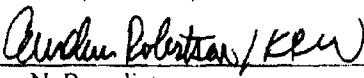
*Counsel for Outside Director Defendants*

SIMPSON THACHER & BARTLETT LLP

By:  /KRW  
Michael Joseph Chepiga  
Paul S. Curnin  
425 Lexington Avenue  
New York, New York 10017  
Telephone: (212) 455-2598  
Fax: (212) 455-2502

*Counsel for E. Stanley O'Neal*

MILBANK, TWEED, HADLEY & MCCLOY LLP

By:  /KRW  
James N. Benedict  
Andrew Robertson  
1 Chase Manhattan Plaza  
New York, New York 10005  
Telephone: (212) 530-5000  
Fax: (212) 822-5696

*Counsel for Ahmass Fakahany*

WEIL, GOTSHAL & MANGES LLP

By: Jonathan Polkes / KRW  
Joseph S. Allerhand  
Jonathan D. Polkes  
767 Fifth Avenue  
New York, New York 10023  
Telephone: (212) 310-8000  
Fax: (212) 833-3148

*Counsel for Gregory Fleming*

WILLKIE FARR & GALLAGHER LLP

By: Richard Bernstein / KRW  
Michael R. Young  
787 Seventh Avenue  
New York, New York 10013  
Telephone: (212) 728-8503  
Fax: (212) 728-8111

Richard D. Bernstein  
1875 K Street, N.W.  
Washington, D.C. 20006-1238  
Telephone: (202) 303-1108  
Fax: (202) 303-2108

*Counsel for Jeffrey Edwards*

IT IS SO ORDERED:

James Hall  
U.S.D.J.  
Dated: 8/12/09